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Attorney for Defendant: **HUGO AREVALO-TAPIA**

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALFREDO TAPIA, et al.

Defendant,

Crim. S-04-310-WBS

STIPULATION AND ORDER

IT IS HEREBY STIPULATED between the parties that an evidentiary hearing for the Motion to Suppress Alfredo Tapia's statements presently set for April 20, 2005 at 9:00 a.m. be continued to May 4, 2005, and at that date, if appropriate, a new date for the hearing will be set. It is understood that no evidentiary hearing will be had on the date of May 4, 2005. Additionally, it is requested that May 4, 2005, be scheduled as a date for a change of plea by Mr. Arevalo-Tapia. Counsel for Mr. Arevalo-Tapia and the prosecutor are finalizing the plea scheduled for May 4, 2005.

It is agreed by all parties that the court should find excludable time from the date of the filing of the motion to the date of the court's ruling pursuant to 18 U.S.C. Section 3161(h)(1)(f), see also *Henderson v. U.S.* 321, 106 S. Ct 1871 (1986).

Counsel for the government has expressly authorized the signing of this stipulation and each defense counsel has been contacted and agreed to this change.

DATED: April 18, 2005

/s/
DINA L. SANTOS
Attorney for Hugo Arevalo-Tapia

DATED: April 18, 2005

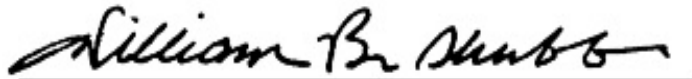
/s/
DWIGHT M. SAMUEL
Attorney for Alfredo Tapia

DATED: April 18, 2005

/s/
ANN PINGS
Assistant United States Attorney

IT IS SO ORDERED

April 18, 2005


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE